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ALEXANDER L. STEVAS,
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NO. 82-1534

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

EUGENE S. NEUFELD,

Petitioner,

v.

BRUCE BAMBROUGH, *et al.*,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit

BRIEF FOR RESPONDENTS WARREN E. SMITH, JOHN J. DEGNAN, VERNON N. POTTER, C.Y. ALSTON, JOSEPH H. RODRIGUEZ, JAMES SINCAGLIA, JUDITH E. RODNER AND JUDITH S. MUSICANT OPPOSING PETITION FOR CERTIORARI

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Counterstatement of the Case

Petitioner, seeking a writ of *certiorari* in this Court, claims that he was the victim of a virtual conspiracy by the federal courts to deny him a fair hearing on his

claims against the respondents. The history of this case clearly reveals, however, that petitioner's claims received fair and thorough consideration and were properly dismissed for lack of merit. This case presents no legal issues which warrant consideration by this Court.

Petitioner filed a complaint in the United States District Court for the District of New Jersey on October 17, 1978, and filed an amended complaint on November 14, 1978 (Pa164). The amended complaint named 31 defendants and alleged violations of 42 U.S.C. §§1981, 1983, 1985 and 1986, 42 U.S.C. §2000e-1 *et seq.* (Title VII), 42 U.S.C. §2000d (Title VI),* the Fourteenth Amendment to the United States Constitution, and various pendant claims alleged to be grounded in state law. Petitioner alleged that his employer Compuscan and its officers required him to treat black employees more leniently than white employees and fired him from his position as a quality control manager because two black employees of the company had filed discrimination complaints against Compuscan and petitioner. The complaint also named the Chase Manhattan Bank, the United Jersey Bank, the Bessemer Securities Corporation, and the Compagnie Participations et d'Investissements Holdings S.A., all of which allegedly had financial ties to Compuscan, as well as numerous state officials whom petitioner had contacted or attempted to contact regarding his civil rights claims.

The state defendants include the following: 1) John J. Degnan, Esq., former Attorney General of New Jersey; 2) Warren E. Smith, former Director of the New Jersey Division on Civil Rights; 3) Vernon N. Potter, who was

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* Title VI was mentioned in the Introduction, Jurisdictional Statement and Administrative Procedural Requirement sections of the complaint, but no facts were stated in the complaint regarding this claim (Pa167, Pa169 and Pa181).

Mr. Smith's predecessor as Director of the Division; 4) Judith E. Rodner, a former Deputy Attorney General; 5) Judith S. Musicant, former Deputy Director of the Division on Civil Rights; 6) James Sincaglia, Bureau Chief of the Division on Civil Rights; 7) C.Y. Alston, Branch Manager of the Division on Civil Rights; and 8) Joseph H. Rodriguez, former Chairman of the State Commission of Investigation.*

Petitioner's amended complaint alleged that on February 17, 1978, he went to the Paterson office of the Division on Civil Rights to file a complaint of "Discrimination and Retaliation" (Pa205). Petitioner alleged that he brought with him to the Division a complaint prepared by the American Jewish Congress, which he wished to submit to the Division (Pa205).** Branch Manager C.Y. Alston refused to allow petitioner to file the complaint because he determined that it was untimely (Ra1). Petitioner's amended complaint further alleged that four days later on February 21, 1978, he contacted Division Bureau Chief James Sincaglia, requesting a copy of a complaint filed by a black employee against Compuscan and petitioner. Although petitioner admits that Sincaglia sent him the re-

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* Stanley Van Ness, formerly Public Advocate of New Jersey, was also named in the complaint. The Public Advocate is represented in this matter by separate counsel. Following the resignation of Mr. Van Ness in 1982, Mr. Rodriguez was appointed as Public Advocate.

** This "complaint" (Ra3) clearly indicates that petitioner was fired by Compuscan on August 19, 1978, which was 182 days before petitioner attempted to file his complaint with the Division. Mr. Neufeld confirmed this date at the hearing before Magistrate Perretti (Pa138). The New Jersey Law Against Discrimination, N.J.S.A. 10:5-18, requires that all complaints be filed within 180 days of the alleged act of discrimination. Consequently the complaint was untimely.

quested material, he alleges that Sincaglia refused to aid him in intervening in the case.*

Petitioner's complaint further alleged that Deputy Attorney General Judith Rodner "cosmetically" answered a letter which he wrote to her (Pa214), and alleged generally that Deputy Attorney General Rodner, Deputy Director Musicant and Director Potter failed to provide helpful responses to petitioner's inquiries (Pa216). Petitioner accused Attorney General Degnan of failing to answer his telephone calls (Pa217) and of failing to "enforce any form of punishment to gross violators" (Pa218).** Finally, the complaint alleged that the Public Advocate and the Chairman of the State Commission of Invesigation refused petitioner's requests that they take legal action against the Division on Civil Rights for refusing to file petitioner's civil rights complaint (Pa209 to Pa213).

The defendants-respondents filed motions to dismiss the complaint, and the motions were referred to United States Magistrate Serena Perretti, who heard argument on the motions on February 13, 1979 (Pa72). After hearing argument, Magistrate Perretti gave the defendants, some of whom had not been served with petitioner's brief and appendix in opposition to the motions (Pa117, Pa119), an opportunity to file briefs, and gave petitioner an oppor-

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* Two black employees, Marguerite Lee and Darryl Cobb, did file complaints of racial discrimination against Compuscan and Neufeld. Although petitioner complains that the Division did not serve him with the complaints (Pb21 to Pb22) it is undisputed that the Lee complaint was withdrawn and the Cobb complaint was dismissed for lack of prosecution (Ra5 to Ra10).

** The amended complaint did not name the Division on Civil Rights as a defendant.

tunity to file reply briefs (Pa119, Pa122, Pa153, Pa155).* Both before and after the hearing, petitioner submitted to the Magistrate affidavits and other materials outside the pleadings (Pa59, Pa63, Pa4). By his affidavit filed with the Magistrate on July 31, 1979, petitioner, indicating his familiarity with Fed.R.Civ.Pro. 12(b)(6), 12(c) and 56, sought leave to submit still more affidavits and documents in the event that the motions were to be treated as motions for summary judgment (Pa69).

On January 14, 1980, Magistrate Perretti filed an 18 page Report and Recommendation in which she determined that summary judgment should be granted in favor of all defendants (Pa6, Pa43). With respect to the state defendants, the Magistrate reasoned that the Eleventh Amendment barred the suit against the state defendants in their official capacity, since any damages assessed would be paid from the public treasury (Pa33). Attorney General Degnan, Chairman Rodriguez, and Public Advocate Van Ness were held immune from suit under the doctrine of prosecutorial immunity (Pa34). Summary judgment in favor of Smith, Potter, Sincaglia, Musicant and Rodner was granted because none of them were directly involved in denying any right to petitioner and the doctrine of *respondeat superior* is inapplicable in §1983 actions (Pa35 to Pa38).**

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* Petitioner has misquoted the Magistrate at Pb6, n.3, by omitting that portion of the Magistrate's remarks in which she directed Deputy Attorney General Gorrell to file a supplemental brief on the issue of immunity so that petitioner would have an opportunity to respond to his arguments on that issue (Pa104).

** As the Magistrate noted, defendants Musicant, Rodner and Potter were only charged with answering petitioner's letters "and their obvious efforts to provide courteous responses have been twisted into a reflection of an international plot against Neufeld" (Pa36 to Pa37).

Finally, it was recommended that the complaint against Alston be dismissed because petitioner was not denied any federally protected right by the Branch Manager's failure to file his complaint or to serve him with the Lee and Cobb complaints (Pa42).

After requesting and receiving an extension of time to file exceptions to the Magistrate's report, petitioner filed objections to the entire report without stating specific reasons for the objections other than the Magistrate's failure to notify him that the motions to dismiss would be treated as motions for summary judgment (Pa53 to Pa57). On February 28, 1980, Judge Meanor issued a Memorandum Order indicating that after consideration of the "voluminous" materials submitted by petitioner to the Magistrate, the Magistrate's Report, and petitioner's objections, he adopted the Report and Recommendation of Magistrate Perretti and granted summary judgment in favor of defendants (Pa3 to Pa5).

Petitioner appealed Judge Meanor's decision to the United States Court of Appeals for the Third Circuit, which affirmed the judgment of the District Court on August 4, 1982 (Pa1). Petitioner then filed a petition for *certiorari*. This brief opposes that petition.

ARGUMENT

The United States Court of Appeals properly affirmed the decision of the District Court granting summary judgment in favor of all defendants, and no important issue of federal law having been presented, this Court should deny the petition for certiorari.

Although petitioner contends that the District Court and the Court of Appeals, as well as the respondents, have all conspired to deprive him of due process of law, it is clear that petitioner was treated fairly and that his legal arguments are without substance.

Petitioner filed a 37 page amended complaint in the District Court naming 31 defendants and including such allegations as a claim that his employer Compuscan fired him due to fear that black employees would file civil rights complaints against the company, an accusation that a deputy attorney general "cosmetically" answered a letter from petitioner, and a claim that that the Chase Manhattan Bank wrongfully entered into a security agreement with Compuscan. Both before and after the hearing on defendants' motions to dismiss the complaint, petitioner filed numerous affidavits and other documents in support of his claims and in opposition to the motions to dismiss (Pa4, Pa63 to Pa64, Pa98, Pa145, Pa158).* After hearing oral argument on the motions, and after permitting defendants to submit additional briefs and

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* Contrary to his claim that he was unaware that the motions to dismiss would be converted to motions for summary judgment, petitioner's own affidavit to Magistrate Perretti clearly demonstrates his familiarity with Fed.R.Civ.P. 12(b)(6), 12(c) and 56 and with the likelihood that the motions would be converted (Pa69). Petitioner thus sought permission to submit further affidavits and documents in opposition to defendants' motions.

granting petitioner additional time to respond to those briefs (Pa104, Pa119, Pa153 to Pa154), Magistrate Perretti issued a detailed 18 page Report and Recommendation (Pa6) which drew all inferences in petitioner's favor and nonetheless recommended that summary judgment be entered in favor of all defendants (Pa44).

Although petitioner was granted an extension of time to submit objections to the Magistrate's report, the document which he eventually filed with the District Court failed to state reasons for his objections to the report, in clear disregard of Local Rules 40(A)(11)(a). Rather, petitioner simply objected generally to the entire 18 page report and requested still more time "to file a more complete and proper OBJECTION" (Pa54).* Having failed to submit specific objections to the Magistrate's report, as required by Local Rules 40(A)(11)(a), petitioner was not entitled to *de novo* review of the report, pursuant to 28 U.S.C. §636(b)(1) which requires *de novo* review only where timely objections are filed "as provided by rules of court." See *United States* v. *Raddatz,* 447 U.S. 667 (1980) (Congress intended that trial judge give *de novo* consideration to issues on which specific objections were made); See also *Pendleton* v. *Rumsfeld,* 628 F.2d 102, 106 (D.C. Cir. 1980); *Orpiano* v. *Johnson,* 687 F.2d 44, 47 (4th Cir. 1982).

Moreover, notwithstanding the inadequacy of petitioner's objections, Judge Meanor clearly engaged in a *de*

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* Petitioner's only specific objection to the report was that he had not been notified that the motions to dismiss would be treated as motions for summary judgment (Pa54). As noted *supra,* this contention was frivolous. Moreover, Judge Meanor specifically determined after review of petitioner's extensive submissions that petitioner had been given sufficient opportunity to submit materials in opposition to the motions (Pa4).

novo review of the record in rendering his decision. He indicated in his decision that he had considered "the voluminous material submitted by plaintiff" (Pa4) and noted that plaintiff's submissions extended "far beyond even the wide-ranging allegations of his pleadings" (Pa4). Obviously, the judge could only have reached that conclusion after reviewing the record. Judge Meanor's consideration of the Magistrate's report, petitioner's objections thereto, and the record developed before the Magistrate was all that was required for *de novo* review. *United States* v. *Miller*, 609 F.2d 336, 340 (8th Cir. 1979). As this Court has held:

> It should be clear that on these dispositive motions, the statute [28 U.S.C. §636(b)(1)] calls for a *de novo* determination, not a *de novo* hearing. [*United States* v. *Raddatz*, 447 U.S. 667 (1980)].

Moreover, after his *de novo* review of the record the judge was not required to issue separate findings of fact and conclusions of law, but was free to adopt the recommended findings and conclusions of the Magistrate (see Pb16). 28 U.S.C. §636(b)(1). *United States* v. *Lieberman*, 608 F.2d 889, 901 (1st Cir. 1979) *cert. den.* 444 U.S. 1019 (1980).

In summary, far from conspiring to deprive petitioner of a fair hearing as petitioner alleges (Pa17),* both Mag-

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* The results of petitioner's alleged "survey" of orders entered by the United States District Court for the District of New Jersey are meaningless, because petitioner fails to indicate how many plaintiffs in the survey submitted objections to the Magistrate's report or how petitioner determined that *de novo* review was not granted. Moreover, given petitioner's distortion of the record in this case and the fact that he failed to submit the underlying documentation for his survey to the Court, his assertions are hardly reliable.

istrate Perretti and Judge Meanor gave petitioner ample opportunity to present his claims and gave his case careful and thorough consideration. Since Judge Meanor properly applied the rule set down by this Court in *United States* v. *Raddatz* regarding *de novo* review, this case presents no need for supervision by this Court. See Sup. Ct.R. 17. Petitioner's complaint was properly dismissed, not because the legal system was rigged against him but because his legal claims lacked merit.

Contrary to petitioner's assertions (Pb21) the Magistrate properly recommended summary judgment in favor of the state defendants because, *inter alia*, petitioner failed to show that refusal to file his civil rights complaint constituted deprivation of any right secured by the Constitution or by federal law. As this Court has plainly stated, 42 U.S.C. §1983 does not "extend . . . a right to be free of injury whenever the State may be characterized as the tortfeasor." *Paul* v. *Davis*, 424 U.S. 693, 701 (1976). Petitioner alleged that defendant Alston wrongfully refused to allow him to file a state civil rights complaint against his employer.* As Magistrate Perretti correctly noted,

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* Alston's refusal to file the state complaint did not deprive petitioner of his separate right to file a complaint with EEOC. Rather, petitioner failed to exercise that right in a timely manner, by waiting 282 days before filing with EEOC (Pa21). See 42 U.S.C. §2000e-5(e). Moreover, Alston's alleged failure to provide petitioner with copies of the Lee and Cobb complaints against Compuscan and petitioner did not result in any harm to petitioner. Both complaints were either withdrawn or dismissed by the Division. Petitioner's claim that he needed to know about these complaints in order to determine whether Compuscan had violated his statutory civil rights is frivolous. The Law Against Discrimination, N.J.S.A. 10:5-1 et seq., does not prohibit an employer from firing an employee because someone has filed a civil rights complaint against that employee. Hence, insofar as Neufeld was attempting to file with the Division a complaint alleging that he was fired because of the Lee and Cobb complaints, he failed to state a cause of action under state law.

however, there is no absolute federal right to file a state civil rights complaint (Pa42). At most, petitioner had the right not to be deprived without due process of law of the opportunity, created by state law, to file a complaint in a timely manner. *Logan* v. *Zimmerman Brush Co.*, 455 U.S. 422 (1982). The state may create time limits for the filing of discrimination complaints, and the state has no constitutional obligation to accept an untimely complaint. *Logan* v. *Zimmerman, supra,* 455 U.S. at 434, n.7. In this case, Alston determined that petitioner's complaint could not be accepted because it was untimely pursuant to N.J.S.A. 10:5-18, which requires that all complaints be filed within 180 days of the alleged act of discrimination. If petitioner believed that Alston's decision was erroneous, he had the right under state law to appeal that determination to the Appellate Division of the Superior Court of New Jersey. N.J. Court Rules 2:2-3(a)(2). Since petitioner had a right of appeal, the Division's refusal to file his complaint did not finally deprive him of any state created right without due process of law. *Logan* v. *Zimmerman Brush Co., supra; Parratt* v. *Taylor,* 451 U.S. 527, 452-453 (1981). Moreover, petitioner had a separate and independent right to file his civil rights complaint in Superior Court. N.J.S.A. 10:5-13; *Gray* v. *Serruto Builders,* 110 N.J. Super. 297, 300, 265 A.2d 404 (App. Div. 1970). Instead of exercising his right of appeal or filing an independent action, however, petitioner filed suit in federal court, improperly seeking to collaterally attack the state agency's determination. *Huffman* v. *Pursue, Ltd.,* 420 U.S. 592, 608 (1975); *Brown* v. *DeLayo,* 498 F.2d 1173, 1175 (10th Cir. 1974). As this Court has repeatedly held, 42 U.S.C. §1983 does not create a federal cause of action for every alleged deprivation of state-created rights and particularly not when state law provides adequate avenues of redress for the alleged deprivation. *Parratt* v. *Taylor, supra; Paul* v. *Davis, supra.*

Consequently, petitioner's §1983 claim was properly dismissed, because he was not deprived of any federally protected right.*

It is also clear that the Magistrate, and Judge Meanor, properly applied the doctrines of Eleventh Amendment immunity and prosecutorial immunity in dismissing petitioner's claims. The Eleventh Amendment bars suits against a State "by private parties seeking to impose a liability which must be paid from publics funds in the state treasury." *Edelman* v. *Jordan,* 415 U.S. 651, 663 (1974). Such immunity, moreover, extends to state officials sued in their official capacity, when the state "is the party in fact." *Schcuer* v. *Rhodes,* 416 U.S. 232, 238 (1974). Since petitioner's amended complaint sought damages totalling $4,750,000, an amount which clearly could not and would not be paid by the individual state defendants, it is clear that his case was essentially one to recover money from the State. Consequently, " 'the state is the real, substantial party in interest and is entitled to invoke its sovereign immunity from suit even though individual officials are nominal defendants.' " *Edelman* v. *Jordan, supra,* 415 U.S. at 663, quoting *Ford Motor Co.* v. *Dept. of Treasury,* 323 U.S. 459, 464 (1945).

Moreover, insofar as petitioner alleged that former Attorney General Degnan and former Chairman Rodriguez

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* Moreover, petitioner's §1983 claims against Degnan, Rodner, Potter, Musicant, Smith and Sincaglia were properly dismissed because none of these defendants were shown to have been personally involved in denying petitioner any alleged right. Insofar as petitioner alleged that these defendants failed to properly supervise the activities of the Division, he stated no cause of action because §1983 liability cannot be premised on the doctrine of *respondeat superior. Rizzo* v. *Goode,* 423 U.S. 362 (1976); *Hampton* v. *Holmesburg Prison Officials,* 546 F.2d 1077 (3d Cir. 1976).

failed to take legal action against the Division on Civil Rights for refusing to file petitioner's complaint, his claims were barred by the doctrine of prosecutorial immunity. The Attorney General of New Jersey is the chief law enforcement officer of the State. N.J.S.A. 52:17B-1 *et seq.* The Chairman of the State Commission of Investigation is authorized to investigate allegations of official misconduct, N.J.S.A. 52:9M-1 *et seq.*, and to refer such investigations for prosecution, N.J.S.A. 52:9M-8. In deciding whether or not to take legal action against personnel of the Division on Civil Rights, as petitioner allegedly requested, both Degnan and Rodriguez were exercising a prosecutorial function. As this Court has recognized, officials who are responsible for exercising such prosecutorial authority are immune from suit relating to their prosecutorial functions, including the decision whether or not to initiate the prosecution of a matter. *Butz* v. *Economou,* 438 U.S. 478, 515 (1978); *Imbler* v. *Pachtman,* 424 U.S. 409 (1976). Hence, summary judgment was properly granted in favor of Degnan and Rodriguez.*

In summary, for all of the foregoing reasons, it is clear that this case presents no legal issue which requires the consideration of this Court. Petitioner's complaint was devoid of merit and most of his claims were patently frivolous. Summary judgment was properly granted. Moreover, although petitioner conceives himself to be the victim of an organized effort to deprive pro se litigants of justice, it is clear that both Magistrate Perretti and Judge

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* Although petitioner also alleged that he had a viable cause of action under Title VI, 42 U.S.C. §2000d, *et seq.*, his amended complaint was devoid of any facts which would support such a claim. Apart from asserting federal jurisdiction under Title VI, the complaint contains neither factual allegations regarding Title VI violations nor even any mention of Title VI.

Meanor gave his claims careful, fair and thorough consideration. Their rejection of petitioner's claims resulted not from inattention to petitioner's case but from the lack of legal merit in his complaint.

CONCLUSION

It is respectfully submitted that for these reasons the petition for *certiorari* should be denied.

Dated: April 11, 1983

Respectfully submitted,

IRWIN I. KIMMELMAN,
Attorney General of New Jersey,
Attorney for Respondents Warren E. Smith, John J. Degnan, Vernon N. Potter, C.Y. Alston, Joseph H. Rodriguez, James Sincaglia, Judith E. Rodner and Judith S. Musicant,
By: SUSAN L. REISNER,
Deputy Attorney General.

ANDREA M. SILKOWITZ,
Deputy Attorney General,
Of Counsel.

SUSAN L. REISNER,
Deputy Attorney General,
On the Brief.

APPENDIX A

Affidavit of Charles Y. Alston

JUDGE H. CURTIS MEANOR

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

Civil Action File No. 78-2483

EUGENE S. NEUFELD,

Plaintiff,

vs.

BRUCE BAMBROUGH, *et al.*,

Defendants.

STATE OF NEW JERSEY, }
COUNTY OF ESSEX, } ss.:

CHARLES Y. ALSTON, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am employed in the capacity of Branch Manager by the New Jersey Division on Civil Rights having an office located at 370 Broadway, Paterson, New Jersey.

2. Sometime in February, 1978, I received a call from a man who identified himself as a representative from the

American Jewish Congress. He advised me that he was referring a person to our agency who was fired because he refused to change an evaluation of a Black female.

3. On that same day or a subsequent day, Mr. Eugene Neufeld came to the office. I recall that day in question was a Friday because the office was having a staff meeting. The Field Representative assigned to intake on that particular day was Ms. RoxAnne Spann.

4. Shortly after Mr. Neufeld's arrival, Field Representative Spann came into the staff meeting and spoke to me about the Complaint. She advised me that she did not think that Mr. Neufeld had a case. While we were discussing the matter, we discovered that Mr. Neufeld had abruptly left the office.

5. Shortly thereafter, Mr. Neufeld returned. Prior to his return, I had instructed Field Representative Spann to take the details of the complaint and we would discuss same later.

6. Subsequently, Field Representative Spann came back into the meeting and advised me that the statute of limitations had expired on the matter. The basis for the determination was the date of discharge in relationship to the subject date. We took out a calendar, and determined that the date of incident had occurred 182 days prior to Mr. Neufeld's appearance in the office. I advised Ms. Spann to explain this to Mr. Neufeld.

7. Subsequently, I was called in to clarify the agency's position. I told Mr. Neufeld that we could not process the matter. He stated that he wanted to pursue it. I

advised him that he could go to E.E.O.C. to file, and that since they could not accept jurisdiction either, he would be free to go into court. Mr. Neufeld left the office.

CHARLES Y. ALSTON

(Sworn to December 6, 1978.)

APPENDIX B

Draft Complaint

COMPLAINT:

Numbered paragraphs

Your name and address

Full name and address of respondents

Race of complaint gave rise to alleged discrimination.

Also complainant objected to Compuscan's unequal treatment of employees under complainant because of race gave rise to alleged discrimination.

FACTS—worked for company
capacity
hired Lee
problems with Lee
action wanted to take against her
not discriminated against Lee but
apply standards apply to everybody.
Lee filed complaint
You were told fired August 19
You were effectively fired—

check for services

to September 4th, 1978.

Never notified you were a party or served any papers. Never authorized any attorney to represent you in *Lee* case or to settle.

Section of Law allegedly violated

Appendix B

Section 10:15-12(a) fired on because of your race and pending action.

(d) reprisol against you because you opposed practices of discrimination.

(e) employer and Lee aided each other, and Lee coerced Compuscan into discriminating against you.

Title VII of Civil Rights Act of 1964 on the same basis

—Statement that you have (or will) file with EEOC, otherwise no other action but—related action (*Lee* case)

—Notarized and verified.

I ———————— swear that these statements true to the best of my belief.

APPENDIX C

Lee Case Disposition Report

Margurite Lee
Complainant (s)

v.

State of New Jersey
Department of Law & Public Safety
Division on Civil Rights
Docket No. E-13297
Final Case Disposition Report

Compuscan
Respondent (s)

1. Complainant (s) (a) Margurite Lee (b)
   Address: 506 North Arlington
   City: East Orange, NJ

2. Closing letter to:
   ———Complainant X X X
   Respondent ———
   Municipal Comm ———
   ———Resp-Attny X X X
   Referral Agcy ———
   Other

3. Field Representative Assigned: Donald Ruffin FR No. 133
   Respondent (s) (a) Barbara Bergstrom, Personnel Dept.

Appendix C

Address: Compuscan, Inc.—900 Huyler Street

City: Teterboro, NJ 07608

Attorney's Name:

Address: City

How Referred E.E.O.C. TNK No. 7-1095

4. Chronology (Date of)
   a. Incident 2/14/77
   b. Docket 6/30/77
   c. Assigned 6/30/77
   d. V.C. 6/13/77
   e. F.P.C.
   f. HE's Rpt
   g. Order (ILLEGIBLE)
   h. Closing (ILLEGIBLE)
   i. Days (b to n) 283

5. Final Disposition
   (01) Hear & Order
   (02) Hear, Dism
   (03) Order & Decree
   (04) Sat Adjust
   (05) N.P.C.
   (07) Withdrawn Comp. X X X
   uncoop —— unavail —— Waived EEOC ——

Appendix C

(08) Concluded Administratively

(09) No Jurisdiction

Am't & Category—Monetary Settlem't

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS

DOCKET NO. E-13297

6. Summary of Complaint:

The Complainant charges that she was harassed by being assigned to work out of her job specs and also, have been subjected to racial remarks to which she further, charge that Caucasians were not treated in that manner.

7. Basis for Final Disposition:

The Complainant stated that she did not wish to pursue the case since she had left the job in question. Also, she stated that the Division should close the case out.

Based on this a recommendation that the case be closed as Withdrawn by Complainant.

8. Dates: Public Hearing

Hearing Examiner

Court Reporter

Appendix C

Total hours expended on case 6½ Hours.

Investigated by: Donald Ruffin Conciliated by:

Final Disposition recommended by: Donald Ruffin

Date: 2/16/78

Disposition approved by: C.Y. Alston

Date: (Illegible)

NOTE: "Data Process System Questionnaire" must be entirely completed.

APPENDIX D

Cobb Case Disposition Report

Daryl L. Cobb

Complainant (s)

v.

State of New Jersey
Department of Law & Public Safety
Division on Civil Rights

Docket No. EB62RB-13327

Final Case Disposition Report

Compuscan

Respondent (s)

1. Complainant (s) (a) Daryl L. Cobb (b)

   Address: 391 De Wolf Place

   City: Hackensack, New Jersey

2. Closing letter to:

   X X X Complainant X X X

   Respondent ———

   Municipal Comm ———

   X X X Resp Attny X X X

   Referral Agcy ———

   Other

3. Field Representative Assigned: Roxanne Spann FR No.168

   Respondent (s) (a) Compuscan (b)

Appendix D

Address: 900 Hyler Street

City: Teterboro, New Jersey

Attorney's Name: Greenberg, Margolis & Ziegler, Esqs.

Address: 100 Evergreen Place City East Orange, New Jersey 07018

How Referred E.E.O.C.

744 Broad Street TNK No. 022771235

Newark, New Jersey

4. Chronology (Date of)
   a. Incident 4/3/77
   b. Docket 7/14/77
   c. Assigned 3/17/78
   d. V.C. 7/6/77
   e. F.P.C.
   f. HE's Rpt
   g. Order
   h. Closing
   i. Days (b to h)

5. Final Disposition
   (01) Hear & Order
   (02) Hear, Dism
   (03) Order & Decree
   (04) Sat Adjust

Appendix D

(05) N.P.C.

(07) Withdrawn Comp.
uncoop —— unavail —— Waived EEOC

(08) Concluded Administratively X X X

(09) No Jurisdiction

Am't & Category—Monetary Settlem't

State of New Jersey
Department of Law & Public Safety
Division on Civil Rights

Docket No. EB62R3-13327

6. Summary of Complaint:

Complainant was hired as Quality Inspector. Complainant was to be reviewed with a possible raise after 3 months. After 3 months complainant was not reviewed or given a raise or even given any explanation. Complainant has been denied training opportunities and been asked to do menial jobs such as sweeping up and moving objects.

Complainant has reason to believe that caucasian in this department have been given raises and training. Complainant believes that he has been discriminated against because of his race. Complainant is a member of the black race.

7. Basis for Final Disposition:

On April 11, 1978 Field Representative, made an attempt to contact complainant by telephone. There was no response. And on December 12, 1977 complainant was sent a letter asking him to contact the

Division to have his case reviewed or the Division would have no choice but to conclude he was no longer interested in pursuing the matter and close his case accordingly. The complainant did not respond.

In reviewing information submitted by complainant and respondent, it was determined that case was leading to No Probable Cause. However, material facts remained in disputed. Without the complainant's availability, the disputed facts could not be resolved.

Based on the above I recommend case be closed Administratively due to the unavailability of complainant.

8. Dates: Public Hearing

   Hearing Examiner

   Court Reporter

9. Total hours expended on case 18 Hours.

   Investigated by: RoxAnne Spann Conciliated by:

   Final Disposition recommended by: RoxAnne Spann

   Date: 3/28/78

   Disposition approved by: Date:

NOTE: "Data Process System Questionnaire" must be entirely completed.